

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CITY OF NEW BRITAIN FIREFIGHTERS'
AND POLICE BENEFIT FUND, on behalf
of
itself and all others similarly situated,

Plaintiffs,

vs.

BANK OF AMERICA CORPORATION,
BARCLAYS BANK PLC, CITIBANK NA,
DEUTSCHE BANK AG, HBOS plc, HSBC
HOLDINGS PLC, JPMORGAN CHASE &
CO., LLOYDS BANKING GROUP PLC,
UBS AG, and WESTLB AG,

Defendants.

Master File No. 1:11-md-02262- NRB

**DECLARATION OF
THOMAS J. UNDLIN IN SUPPORT
OF MOTION FOR WITHDRAWAL
OF APPEARANCE**

Pursuant to 28 U.S.C. § 1746, Thomas J. Undlin hereby declares as follows:

1. I am a partner at Robins, Kaplan, Miller & Ciresi LLP ("RKMC") in Minneapolis, Minnesota.
2. I offer this declaration in support of the Motion for Withdrawal of Appearance (Dkt. 377) filed with this Court on August 6, 2013 by me and four other RKMC attorneys – K. Craig Wildfang, Stacey P. Slaughter, Christopher W. Madel, and Robert A. Mescon (collectively "Movants") – who entered appearances on behalf of Plaintiff City of New Britain Firefighters' and Police Benefit Fund ("Plaintiff").
3. On November 15, 2011, Movants filed a Motion for Appointment of Interim Co-Lead Class Counsel (Dkt. 58) with this Court on behalf of Plaintiff and a putative class of persons or entities that engaged in interest rate swaps.

4. In its November 29, 2011 Memorandum and Order (Dkt. 66), this Court denied Movants' motion and appointed Hausfeld LLP and Susman Godfrey LLP as interim class counsel for the putative class of over-the-counter ("OTC") plaintiffs.

5. In its December 22, 2011 Pretrial Order No. 1 (Dkt. 90) this Court appointed Hausfeld LLP and Susman Godfrey LLP as co-lead counsel for the OTC plaintiffs.

6. Movants were not listed as counsel in the OTC plaintiffs' Consolidated Amended Complaint (Dkt. 130) filed with this Court on April 30, 2012.

7. Susman Godfrey LLP and Hausfeld LLP continue to represent Plaintiff and the putative class of OTC plaintiffs.

8. The OTC plaintiffs' case is still in its preliminary stages – the OTC plaintiffs submitted a Reply Brief in Further Support of Motion for Leave to File Proposed Consolidated Second Amended Complaint (Dkt. 376) on August 6, 2013.

9. Movants are not asserting a retaining or charging lien.

10. Movants have been engaged to file and have filed complaints on behalf of several individual plaintiffs – Principal Financial Group, Inc. and various related entities. *See* Complaint, *Principal Funds, Inc. v. Bank of Am. Corp.*, No. 4:13-cv-00334-RP-RAW (S.D. Iowa Aug. 1, 2013); Complaint, *Principal Financial Group, Inc. v. Bank of Am. Corp.*, No. 4:13-cv-00335-SMP-CFB (S.D. Iowa Aug. 1, 2013).

11. Movants do not believe they can appear as counsel both on behalf of the putative class of OTC plaintiffs and on behalf of individual plaintiffs asserting similar claims in their individual capacity.

12. Accordingly, Movants respectfully request that this Court grant their Motion for Withdrawal of Appearance.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed in Minneapolis, Minnesota, this 12th day of August, 2013.

s/Thomas J. Undlin
Thomas J. Undlin

CERTIFICATE OF SERVICE

I hereby certify that on August 12, 2013, I electronically filed the foregoing document with the Clerk of Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronic Notices of Electronic Filing.

Dated: August 12, 2013

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

s/Thomas J. Undlin
K. Craig Wildfang
Stacey P. Slaughter
Christopher W. Madel
Thomas J. Undlin
2800 LaSalle Plaza
800 LaSalle Avenue South
Minneapolis, MN 55402-2015
(612) 349-8500
kcwildfang@rkmc.com
spslaughter@rkmc.com
cwmadel@rkmc.com
tjundlin@rkmc.com

and

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

Robert A. Mescon
601 Lexington Avenue
Suite 3400
New York, NY 10022-4611
(212) 980-7400
ramescon@rkmc.com